

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**NANCY LYN MCGONAGILL**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 4:16 -cv-024-DMB-JMV**

**INDIANOLA PECAN HOUSE, INC.**

**DEFENDANT**

**JURY TRIAL DEMANDED**

**COMPLAINT**

This is an action to recover actual and liquidated damages for willful violation of the Fair Labor Standards Act (“FLSA”) and for violation of the Wage and Hour Laws of the United States. The following facts support the action:

1.

Plaintiff, Nancy Lyn McGonagill, is an adult resident citizen of 1302 Olive Street, P.O. Box 303, Moorhead, Mississippi 38761-0303.

2.

Defendant, Indianola Pecan House, Inc., is a corporation and an employer within the meaning of FSLA, and which may be served with process by service upon its registered agent, Wheeler T. Timbs, III, Highway 82, Indianola, Mississippi 38751.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331 and jurisdiction under the Fair Labor Standards Act, 29 U.S.C. §201, et seq. and the Wage and Hour Laws of the United States, 29 U.S.C. § 201 et seq.

4.

Plaintiff began working for the Plaintiff on or about March 30, 2013. Beginning in October of 2013, Plaintiff was required to work numerous overtime hours, at different retail locations operated by Plaintiff and at off site retail shows. Plaintiff continued to be periodically required to work overtime hours for Defendant until her employment was terminated, on or about April 9, 2015.

5.

Plaintiff was not paid overtime wages, even though she routinely worked more than 40 hours a week. Plaintiff was paid a flat salary and did not receive overtime pay, even though she did not have managerial duties, did not supervise other employees, and even though her job did not involve independent judgment or discretion. Not being paid overtime violated the Fair Standards in Labor Act.

6.

Plaintiff has suffered lost income, mental anxiety and stress as a result of the Defendant's actions. Additionally, liquidated damages are due because of the willful nature of the Defendant's acts.

**PRAYER**

Plaintiff prays for actual and liquidated damages in an amount to be determined by a jury, for reinstatement, and for reasonable attorneys' fees.

**RESPECTFULLY SUBMITTED, THIS,** the 5<sup>th</sup> day of February, 2016.

/s/ L. Douglas Wade, Jr.

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Attorney for Plaintiff

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